

1 TERRY M. GORDON - SBN 75604
2 LAW OFFICES OF TERRY M. GORDON
3 Three Harbor Drive, Suite 215
Sausalito, California 94965
Telephone: (415) 331-3601
Facsimile: (415) 331-1225

4
5 ATTORNEYS FOR PLAINTIFF

6 CRAIG M. WHITE (*Pro Hac Vice Pending*)
7 BRENT R. AUSTIN (SBN 141938– Inactive)
CHUNG-HAN LEE (SBN 231950)
8 WILDMAN, HARROLD, ALLEN & DIXON, LLP
225 West Wacker Drive, Suite 2800
Chicago, Illinois 60606
Telephone: (312) 201-2000
Facsimile: (312) 201-2555

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10 ATTORNEYS FOR DEFENDANT

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15
16 RUSSELL BRADBERRY, individually and on) Case No. C 06 6567 CW
behalf of a class of similarly situated)
17 individuals,)
Plaintiff,)
v.)
T-MOBILE USA, INC., a Delaware)
corporation)
Defendant.)

STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING
DATE ON DEFENDANT'S MOTION
FOR JOINDER, OR IN THE
ALTERNATIVE, CONSOLIDATION
AS MODIFIED
The Honorable Claudia Wilken

1 RUSSELL BRADBERRY, individually and on) Case No.C-07-5298 PJH CW
 2 behalf of a class of similarly situated)
 3 individuals,)
 4 Plaintiff,)
 5 v.)
 6 MBLOX, INC., a Delaware corporation,)
 7 Defendant.)
) **CLASS ACTION**

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 9 WHEREAS, Defendant mBlox, Inc. (“mBlox”) has filed a Motion For Joinder, Or In
 10 The Alternative, Consolidation (the “Joinder Motion”), which motion is currently scheduled
 11 for hearing before the Court at 2:00 p.m on November 29, 2007;

12 WHEREAS, Plaintiff has filed a motion to remand the case to the Superior Court of
 13 Santa Clara County, California, from whence Defendant removed the case, which remand
 14 motion is scheduled for hearing before the Court at 2:00 p.m. on December 13, 2007;

15 WHEREAS, both Parties believe that it would conserve judicial and party resources
 16 to have a single hearing, especially since the Joinder Motion would become moot if the Court
 17 decided to remand the case.

18 IT IS THEREFORE HEREBY STIPULATED AND AGREED that the hearing
 19 previously scheduled on the Joinder Motion for 2:00 p.m. on November 29, 2007 should be
 20 rescheduled to occur at 2:00 p.m. on December 13, 2007 or such other time as Plaintiff’s
 21 Motion To Remand is heard.

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28 **STIPULATION AND [PROPOSED] ORDER CHANGING HEARING DATE ON DEFENDANT’S
 MOTION FOR JOINDER, OR IN THE ALTERNATIVE, CONSOLIDATION, Case Nos. C-06-6567
 CW; C-07-5298 PJH**

1 Dated: November 19, 2007

WILDMAN, HARROLD, ALLEN &
DIXON, LLT

3 By: /s/ Craig M. White

4 Craig M. White

5 Brent R. Austin

Chung-Han Lee

6 Attorneys for Defendant

mBlox, Inc.

7
8 Dated: November 19, 2007

LAW OFFICES OF TERRY M. GORDON

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10 By: /s/ Terry M. Gordon

11 Terry M. Gordon

12 Attorneys for Plaintiff

RUSSELL BRADBERRY

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14 Pursuant to Stipulation, IT IS SO ORDERED. **The pending motion to dismiss will also be**
15 heard on December 13, 2007, if it has not previously been decided on the papers.

16 DATED: 11/28/07


17 The Honorable Claudia Wilken
United States District Judge

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28 **STIPULATION AND [PROPOSED] ORDER CHANGING HEARING DATE ON DEFENDANT'S**
MOTION FOR JOINDER, OR IN THE ALTERNATIVE, CONSOLIDATION, Case Nos. C-06-6567
CW; C-07-5298 PJH